

**REMARKS**

Claims 1, 3, 5-9 and 11-12 are pending in the application. Claims 2, 4, 10 and 13-28 have been hereby cancelled without prejudice, mainly to further prosecution with respect to claims 1 – 12, and claim 1 has been amended to clarify the claimed subject matter.

Original claims 1-28 were rejected under 35 USC § 102 as being anticipated by Helsper et al. (U.S. Patent No. 6,876,988). Examiner Assouad is respectfully urged to reconsider the application and to withdraw the rejection in view of the above amendment and the following remarks.

Applicants' undersigned attorney would like to thank Examiner Assouad for participating in a telephonic interview of May 26, 2006. Although no agreement was reached at that time, the examiner's comments were helpful in explaining the rationale for the rejection and what applicants might do to clarify the differences between applicants' invention and the prior art.

Claim 1 has been amended to clarify that the claimed process provides a way to triage a potentially large group of computers, or servers, to identify those servers needing priority attention. (These amendments have been made without prejudice to the possible refiling of the original claims or new claims in a continuing application.) More specifically, claim 1 recites the steps of:

collecting and analyzing historic resource utilization data . . . said resource utilization data representing the load placed on a set of finite resources over a predefined period of time;

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processing said resource utilization data and generating a plurality of forecasts . . . ;

assigning a threshold value for use in identifying servers whose forecasted resource utilization exceeds said threshold value within said predefined period of time;

identifying the earliest forecasted date said threshold is exceeded for each said server;

sorting said forecasts by said dates, identifying those that are in the greatest need of prompt attention to prevent a failure or performance degradation; and

performing an act to prevent a failure or performance degradation of said servers, said act comprising at least one of: (a) performing further analysis with respect to said servers, and (b) adjusting one of the workload and the capability of said servers.

In the first step, the term "analyzing" indicates that the process can include cleanup, error correction of historic data, and the mathematical derivation of other variables from the measured data. Moreover, the term "capacity utilization" reflects that the process is applicable to resource measurements such as processor percent busy, memory usage, disk read/write rates, etc. It should also be noted that the claimed process can correctly conclude that there are no servers requiring immediate attention. This conclusion is not a failure of the process, but rather indicates that the system is working well and that it has concluded that no further action is necessary because all servers have adequate resources to handle all forecasted workloads. The "earliest date" and "sorting forecasts" aspects of claim 1 were added to reflect that a benefit of the claimed process is the "triage" aspect, i.e., to identify those servers which would most benefit from prompt attention. The recitation, "or performance degradation" was inserted to indicate that servers seldom completely "fail" when they are overloaded, but their performance suffers.

The aforementioned aspects of applicants' invention are neither disclosed nor suggested by the prior art of record. Should the examiner feel inclined to maintain the rejection, he is respectfully invited to call applicants' attorney at 206 332-1384 to discuss how the application might be further amended to place it in allowable condition.

Respectfully submitted,



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